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DEPARTMENT FOR EUR/CE AND EUR/ERA

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SUBJECT: EU SUMMIT DOMINATED BY CZECH DEMANDS; PERSONNEL
DECISIONS UNLIKELY

Classified By: Political M/C George Glass for reasons 1.4 (b/d)

¶1. (C) Summary: German experts believe that EU leaders will spend much of the October 29-30 EU Summit coordinating with the Czechs over final steps needed to sign the Lisbon Treaty. Meanwhile, there seems little likelihood that the summit will produce actual candidates for the new positions of EU Council President and High Representative for Foreign Affairs and Security Policy. Instead, most believe there will be a special summit in November to decide on personnel. It is widely believed that Dutch Prime Minister Balkenende is Merkel,s favorite for Council President, although some mention former Belgian Prime Minister Verhofstadt as a compromise candidate. For now, Germany appears to favor a representative from a small country who would be inward-focused and relatively weak. While Merkel,s preferences for the High Rep job remain unknown, Germany might support British FM Miliband or -- less likely -- one of the French candidates, Kouchner or Vedrine. End Summary.

Summit overshadowed by Czech Demands, Special Summit likely

¶2. (C) According to embassy contacts, the outcome of the expected October 27 Czech Constitutional Court decision on the constitutionality of the EU Lisbon Treaty will determine the course of the EU Summit in Brussels on October 29-30. Regardless of the ruling, German EU experts are worried about Czech President Klaus, behavior at the summit and fear that debate over concessions to the Czechs will dominate the meeting. Peter Schoof, EU policy director at the MFA expressed concern about loopholes in the Czech constitution that do not require President Klaus to sign even if the Court dismisses the pending case against the Treaty. Dirk Loelke, from the Chancellery,s EU section, is also nervous about what Klaus might do and told Emboffs that one cannot count out new, last minute demands. All experts agree that there is no need for Klaus,s proposed opt-out from the Charter of Fundamental Rights -- a move designed to ensure that Germans cannot challenge the Benes decrees and the expropriation of their property in the former Czechoslovakia. While such an opt-out could be added in a footnote -- thus avoiding another round of ratification by all 27 EU member states -- Peter Becker, EU expert at the German think tank SWP warned that such a move could open a &pandora,s box8 for all sorts of special treatment.

¶3. (C) Given the uncertainty regarding Czech ratification of the Lisbon Treaty, German experts do not expect that the EU Summit will reach final decisions as to who should fill the proposed positions of President of the European Council and High Representative for Foreign and Security Affairs. Moreover, Becker noted that the member states will likely require ample Summit time to establish rules of procedure for the EU Council -- which the Treaty will transform into an official body of the EU. As a result, it seems likely that EU heads of government will have to schedule a special summit

in November to settle on personnel for the new positions.

EU Council President: Weak, Inward-Focused, Small Country

14. (C) Though the Chancellery claims that current EU President Sweden has not yet consulted with capitals on candidates for the new positions, Jan Schlichting, EU staffer at the CDU/CSU caucus, tells EmbOffs that indeed informal consultations are underway. Schlichting said Germany does not support former British Prime Minister Blair for EU President because it wants a representative from a small country -- to ensure that the new President does not become too strong. For his part, Schoof said Germany has no preference regarding the relative strength of the president slot but noted that Germany traditionally champions smaller EU countries and supports their candidates.

15. (C) Loelke told us that Germany has tended to support the view that the EU Council President's orientation should be primarily inward focused, i.e. preparing European Council meetings, forging consensus among member states and preparing EU summits. In that mold, it appears that Dutch conservative Prime Minister Jan Peter Balkenende is Merkel's favorite. However, Schlichting said that former Belgian Prime Minister Guy Verhofstadt could be in the running since the Liberals -- being the third-largest group in the European Parliament -- could demand that one of the top jobs go to a representative from their camp.

High Representative: Strong, Socialist, Large Country

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16. (C) All EU experts told us that the personnel decisions will be made at one time, as a package, with an eye toward party affiliations, representation amongst small and large states, and regional balance (north vs. south; east vs. west). By this logic, if both the EC President and the EU Council President are conservatives from small countries (Barroso and Balkenende), the position of High Rep will almost certainly go to a Socialist from a large country. Schlichting said that current French Foreign Minister Bernard Kouchner and his predecessor, Hubert Vedrine, are favorites. However, Schoof ruled these out arguing that they are too old to fit the desired image of a dynamic High Rep. Meanwhile, Becker named British Foreign Minister David Miliband as Germany's front-runner. Publicly, Germany has not lobbied for any of the Lisbon-created jobs; however, Becker said that the German government is interested in taking the position of Secretary General of the EU Council.

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